

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA**

Pat. # 7,007,507

PANDORA JEWELRY, LLC,

Plaintiff,

v.

212, LLC and ARGENTI ORO S.A.

Defendants.

Case No.

**COMPLAINT FOR PATENT
INFRINGEMENT**

Jury Trial Demanded

Plaintiff, Pandora Jewelry, LLC, by and through its undersigned attorneys, alleges as follows:

NATURE OF THE ACTION

1. This is an action for patent infringement and for damages under the United States Patent law 35 U.S.C. § 271 et. seq.

PARTIES

2. Plaintiff, Pandora Jewelry, LLC ("Pandora"), is a limited liability company duly organized and existing under the laws of the State of Maryland with offices at 8681 Robert Fulton Drive, Suite C, Columbia, MD 21046.

3. Upon information and belief, defendant, 212, LLC, is a limited liability company duly organized and existing under the laws of Minnesota, having its principal place of business at 7685 Corporate Way, Eden Prairie, Minnesota 55344. Upon information and belief, 212, LLC actively conducts business in interstate commerce and in this District. 212, LLC is referred to hereinafter as "212."

4. Upon information and belief, defendant, Argenti Oro S.A., is a company residing in Thailand, having its principal place of business at 99/3 Sankhampaeng Road, Sankhampaeng, Chiang Mai, Mhiangmai 50130, Thailand. Argenti Oro S.A. is referred to hereinafter as "Argenti."

5. Upon information and belief, Argenti is a manufacturer and distributor of jewelry products including certain jewelry products imported, offered for sale and sold into the United States which infringe Pandora's 7,007,507 Patent ("507 Patent"). Upon information and belief, 212 is a United States distributor of Argenti and imports, markets and distributes Argenti's jewelry products which infringe the '507 Patent throughout the United States. 212 and Argenti are collectively referred to hereinafter as "Defendants."

JURISDICTION AND VENUE

6. This Court has exclusive jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338 in that the Complaint states an action based upon a federal question relating to patents. This Court has personal jurisdiction over Defendants because, upon information and belief, Defendants have conducted business and commercial activities in this District and elsewhere in the United States, and committed acts of infringement in this District and elsewhere in the United States.

7. Venue is proper in this District pursuant to 28 U.S.C. §§ 1391(b), (c), (d) and 1400(b).

CLAIM FOR PATENT INFRINGEMENT

8. Since its inception in 2003, Pandora has grown to be a leading designer and retailer of fine jewelry products throughout the United States and has substantial sales in

this District. Specifically, Pandora is engaged in the business of creating, manufacturing, marketing, distributing and selling custom designed bracelets and necklaces featuring sterling silver and 14-karat gold jewelry beads, including precious and semi-precious stones.

9. On July 21, 2003, a patent application was filed with the U.S. Patent and Trademark Office to protect the invention of Per Enevoldsen, a Danish National, entitled "NECKLACES AND BRACELETS WITH KEEPERS"; the patent application was assigned Patent Application Serial No. 10/623,641. The ownership rights to the invention disclosed and claimed in the '641 application were assigned by Mr. Enevoldsen to Pandora in an assignment recorded with the U.S. Patent and Trademark Office on July 19, 2004 under Reel 014864, Frame 0396.

10. The '641 patent application was duly published by the U.S. Patent and Trademark Office on July 29, 2004, as Publication No. US 2004/0144131-A1.

11. On March 7, 2006, United States Patent No. 7,007,507 entitled "NECKLACES AND BRACELETS WITH KEEPERS" was duly, validly and legally issued to Pandora Jewelry, LLC, which remains the owner thereof. Attached as Exhibit 1 is a copy of the '507 Patent.

12. Upon information and belief, Defendants are infringing claim 1 and one or more of claims 2 through 28 of the '507 Patent in violation of 35 U.S.C. § 271(a) by making, importing, using, offering to sell and/or selling infringing products, including, but not limited to, the SilverRadoTM line of jewelry, in the United States and in this Judicial District. On information and belief, Defendants are also inducing infringement

of the '507 Patent under 35 U.S.C. § 271(b) and are contributory infringers under 35 U.S.C. § 271(c).

13. Pandora has complied with any applicable marking requirements of 35 U.S.C. § 287 with respect to the '507 Patent.

14. Upon information and belief, Defendants intentionally designed their infringing jewelry to copy the claims set forth in the '507 Patent. Defendants' infringement of the '507 Patent has been and continues to be willful and deliberate.

15. Defendants' infringement of the '507 Patent has caused and will continue to cause great damage to Pandora. The amount of these damages is not yet calculated, but Pandora has incurred and will continue to incur lost profits and loss of royalties as a direct result of the infringement and is thereby entitled to an award of damages adequate to compensate it for the infringement in an amount that is in no event less than a reasonable royalty pursuant to 35 U.S.C. § 284. Pandora is also entitled to recover prejudgment interest, costs, and enhanced asset damages under 35 U.S.C. § 284. Further, this is an exceptional case under 35 U.S.C. § 285, and Pandora should be awarded its attorneys' fees.

16. As a result of Defendants' infringement of the '507 Patent, Pandora has suffered and continues to suffer irreparable harm and impairment of the value of its patent rights, is threatened with continuing loss of sales to its existing and potential customers, is losing and will continue to lose the goodwill of its customers, and is suffering the violation of its patent rights, all of which will continue unless Defendants